

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARMEN RILEY, Administrator of the Estate of TY'RIQUE RILEY, CARMEN RILEY, and THOMAS MATTHEW, Plaintiffs	:	CIVIL ACTION NO. 4:20-cv-325
v.	:	
	:	JURY TRIAL DEMANDED
BRIAN CLARK, Warden, et al., Defendants	:	

**JOINT MOTION TO STRIKE PLAINTIFFS' SUPPLEMENTS TO  
PLAINTIFFS' BRIEFS IN OPPOSITION TO ALL DEFENDANTS'  
MOTIONS FOR SUMMARY JUDGMENT**

1. On April 9, 2021, Plaintiffs filed a Second Amended Complaint against all Defendants. (DOC. 64).
2. On January 22, 2024, Defendants Matthew Danner and Angela Swanson filed a Motion for Summary Judgment. (DOC. 157).
3. On January 22, 2024, Defendant PrimeCare Medical, Inc. filed a Motion for Summary Judgment. (DOC. 160).
4. On January 22, 2024, Defendants Michael Darcy, Demetruis Glenn, Christopher Haines, and Richard Wilson (“Susquehanna Defendants”) filed a Motion for Summary Judgment. (DOC. 164).
5. On January 30, 2024, Defendants Jason Adams, Richard Armermann, Delta Bauer, Keith Biter, Michael Blouch, Brian Clark, Dauphin County, Tami Donovan, Taylor Glenn, Scott Grieb, Keith Hoffman, Robert Ingersoll,

Andrew Klahr, Scott Lewis, Greg Mendenhall, Martin Myers, Mark Neidigh, Steve Singleton, Steve Smith, and Cameron Weaver (“County Defendants”) filed a Motion for Summary Judgment. (DOC. 173).

6. Plaintiffs filed Briefs in Opposition to all Defendants’ Motions for Summary Judgment. (DOCS. 184, 188, 190, 192).
7. All Defendants filed Reply Briefs to each of Plaintiffs’ Briefs in Opposition. (DOCS. 211, 213, 214, 217).
8. On June 28, 2024, Plaintiffs filed a “Supplement” to each of their Briefs in Opposition to Defendants’ Motions for Summary Judgment. (DOC. 218, 219, 220, 221).
9. Plaintiffs filed each Supplement without leave of Court.
10. All Defendants move to strike Plaintiffs’ Supplements for failing to comply with Local Rule 7.7.
11. This Court’s Local Rules allow a party to file a brief in reply to matters argued in a brief in opposition but prohibit a party from filing any further brief “without leave of court.” (M.D. P.A. Civ. R. 7.7).<sup>1</sup>
12. Local Rule 7.7 provides that sur-replies and additional briefing may not be filed without leave of court. *Beckerman v. Weber*, 2007 U.S. Dist. LEXIS 58092,\*12, (M.D. Pa. Aug. 9, 2007).

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<sup>1</sup> Available at: <https://www.pamd.uscourts.gov/sites/pamd/files/LR120114.pdf>.

13. Middle District Local Rule 7.7 required Plaintiffs to seek leave of Court before filing a supplement on a matter before the Court that is fully briefed.
14. Plaintiffs failed to secure leave of Court prior to filing their Supplements.
15. Because Plaintiffs did not seek prior leave of Court, Plaintiffs' Supplements to their Briefs in Opposition should be stricken for failing to comply with Middle District Local Rule 7.7.
16. If this Court denies Defendants' Motion to Strike Plaintiffs' Supplements to their Briefs in Opposition, Defendants request an opportunity to file responses to Plaintiffs' Supplements.

WHEREFORE, Defendants respectfully request that this Honorable Court strike Plaintiffs' Supplements to their Briefs in Opposition to Defendants' Motions for Summary Judgment for failing to comply with Local Rule 7.7 or, in the alternative, allow all Defendants to submit written responses to Plaintiffs' Supplements.

Respectfully submitted,

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DATE: July 12, 2024

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DATE: July 12, 2024

**CERTIFICATE OF SERVICE**

I, Aimee L. Paukovits, an employee with the law firm of Lavery Law, do hereby certify that on this 12<sup>th</sup> day of July, 2024, I served a true and correct copy of the foregoing via the United States District Court for the Middle District's ECF on all counsel of record:

*s/ Aimee L. Paukovits*  
Aimee L. Paukovits  
Senior Legal Administrative Assistant